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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ALEC BYRNE.

*Plaintiff,*

V.

GETTY IMAGES US, INC., *et al.*

### *Defendants.*

Case No. 2:23-cv-05040-RGK-PD

## **JOINT RULE 26(f) REPORT**

Scheduling Conference Date:  
September 25, 2023

**Complaint Filed: June 26, 2023**

Answer Filed: August 25, 2023<sup>1</sup>

<sup>1</sup> Defendant Getty Images filed its answer on August 25, 2023 (Dkt. No. 14), however the remaining defendants' answers have not yet been filed. Counsel for Getty Images has indicated that he may be representing the other named defendants, and a request for waiver of service was sent to counsel on August 11, 2023. As such, the remaining named defendants' response deadline should be October 10, 2023.

1 Counsel for Plaintiff Alec Byrne (“Plaintiff”) and Defendants Getty Images US, Inc.  
2 (“Getty Image”); Los Angeles Times Communications LLC; Dotdash Media Inc.; Vox  
3 Media, LLC; and Quarto Publishing Group USA, Inc.<sup>2</sup> (collectively, “Defendants”) hereby  
4 submit this Joint Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure,  
5 Local Rule 26-1, and the Court’s Order Setting Scheduling Conference (Dkt. No. 16).  
6

7 **1. NATURE OF THE CASE**

8 This is a copyright infringement action brought by Plaintiff under the U.S. Copyright  
9 Act, 17 U.S.C. §§ 101, *et seq.* (the “Copyright Act”). Plaintiff alleges that Defendants  
10 infringed Plaintiff’s copyrights in the photographs identified in the Complaint by copying,  
11 selling, licensing, distributing, and publishing Plaintiff’s photographs on Defendants’  
12 respective websites and other media. Defendant Getty Images denies that it infringed the  
13 copyrights claimed by Plaintiff and, further, denies that it is liable to Plaintiff because some  
14 or all of the photographs identified in the Complaint were in the public domain and because  
15 Getty Images was authorized to display, distribute and reproduce the photographs by the  
16 party or parties with exclusive rights in the same. Plaintiff and Defendant Getty Images do  
17 not view this case as overly complex and do not believe the procedures of the Manual For  
18 Complex Litigation should be utilized.  
19

20 **2. MOTIONS:**

21 **(a) Procedural Motions.**

22 Plaintiff anticipates seeking to amend his Complaint to name the currently  
23 unidentified John Doe Defendants as parties or, in the alternative, filing a related action  
24 against such parties once identified and seeking consolidation with this case. Plaintiff also  
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26  
27 <sup>2</sup> The John Doe defendants – representing the 237 individuals/entities to which Getty  
28 Images distributed the copyrighted works at issue – have not yet been identified and are  
not represented by the named Defendants’ counsel.

1 has identified an additional image for which he owns copyright that is being displayed and  
2 offered for sale by Getty Images. For the sake of efficiency, Plaintiff intends to file one  
3 amended complaint to include both the John Doe parties and this additional photo/claim.

4 **(b) Dispositive Motions.**

5 *Plaintiff:* Plaintiff anticipates filing a motion for summary judgment regarding  
6 Defendants' liability for copyright infringement at the conclusion of discovery.

7 *Defendant Getty Images:* Defendant Getty Images anticipates filing a motion for  
8 summary judgment on one or more of its affirmative defenses, including its defense that  
9 Plaintiff's photographs were in the public domain and thus not protected by copyright law.

10 If Plaintiff elects not to join the John Doe Defendants, the parties agree that the cut-  
11 off date for filing such motions should be set for June 7, 2024. If Plaintiff elects to join the  
12 John Doe Defendants, the parties agree that the cut-off date for filing such motions should  
13 be set for September 6, 2024.

14 **3. DISCOVERY.**

15 **(a) Initial Disclosures.**

16 The parties agreed to serve their initial disclosures by September 22, 2023.

17 **(c) Discovery Cut-off:**

18 If Plaintiff elects not to join the John Doe Defendants, the parties agree that fact  
19 discovery should be completed by May 3, 2024. If Plaintiff elects to join the John Doe  
20 Defendants, the parties agree that fact discovery should be completed by August 2, 2024.  
21 The parties do not believe that fact discovery should be conducted in phases.

22 **(d) Expert Discovery:**

23 If Plaintiff elects not to join the John Doe Defendants, the parties agree that expert  
24 witnesses should be disclosed no later than May 3, 2024, and all expert discovery should  
25 be completed no later than July 5, 2024. If Plaintiff elects to join the John Doe Defendants,  
26 the parties agree that expert witnesses should be disclosed no later than August 2, 2024,  
27 and all expert discovery should be completed no later than October 4, 2024.

1                   **(e) Privilege / Confidentiality:**

2                   The parties agree that a protective order is appropriate in this case for the purposes  
3 of exchanging confidential materials. The parties shall submit a proposed order for the  
4 Court's review and approval within thirty (30) days of the scheduling order.

5                   **(f) Trial Estimate:**

6                   If Plaintiff elects not to join the John Doe Defendants, the parties anticipate a trial  
7 lasting 3-4 days.

8

9                   **4. ALTERNATIVE DISPUTE RESOLUTION**

10                  The parties agree to ADR Procedure No. 1 (L.R. 16-15.4) – to appear before the  
11 district judge or magistrate judge for such settlement proceedings as the judge may direct.  
12 This session should occur by no later than November 30, 2023.

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15                  Dated: September 22, 2023

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Respectfully submitted,

By: /s/ Kevin P. McCulloch  
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-and-

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*Counsel for Defendant Getty Images (US), Inc.*

<sup>3</sup> Attorney McCulloch attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.